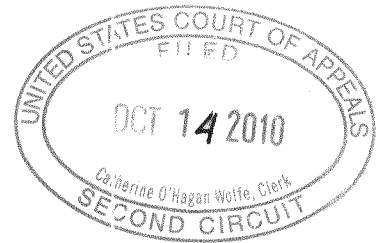


UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

**MANDATE**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 14<sup>th</sup> day of October, two thousand and ten.

PRESENT: ROBERT D. SACK,  
BARRINGTON D. PARKER,  
RICHARD C. WESLEY,  
*Circuit Judges.*



ALVIN VICTOR, WILLIAM D. HUHNS, HARRIET G. VICTOR,

*Plaintiffs-Appellants,*

v.

ARGENT CLASSIC CONVERTIBLE ARBITRAGE FUND L.P.,  
ELKMONT CAPITAL LIMITED, UBS O'CONNOR LLC., ARGENT  
LOWLEV CONVERTIBLE ARBITRAGE FUND LTD., ARGENT  
CLASSIC CONVERTIBLE ARBITRAGE FUND [BERMUDA] L.P.,  
EMINENCE CAPITAL, L.L.C.,

*Plaintiffs-Appellees,*

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, ET AL.,

*Defendants.*

**JUDGMENT**

Docket No. 08-4904-cv

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: Dec. 06, 2010

The appeal in the above captioned case from the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is AFFIRMED in accordance with the opinion of this Court.

FOR THE COURT,  
Catherine O'Hagan Wolfe,  
Clerk


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


Joy Fallek, Administrative Attorney

**MANDATE ISSUED ON 12/06/2010**